

CHAPTER 12
UNIVERSITY OF IOWA PROCEDURES
[Prior to 4/20/88, Regents, Board of(720)]

681—12.1(262) Organization.

12.1(1) *Statement of university mission.* The State University of Iowa is committed to undergraduate, professional, graduate, and continuing education. To discharge this commitment, as part of its established mission, the university engages in teaching, research, and appropriate extension, health and other public services. The university is recognized as having a broad mandate in order that it may continue to be a distinguished state university, offering preprofessional courses, the full panoply of undergraduate liberal arts and science courses, graduate and professional work in law, medicine, dentistry, pharmacy, nursing, engineering, and allied fields related to these professional disciplines, as well as social work, business administration, journalism, education (early childhood, elementary, secondary, and higher), library science, and all the liberal arts and sciences. It will offer no major programs in agriculture; architecture; forestry; industrial arts; veterinary medicine; agricultural, aeronautical or ceramic engineering. It will be characterized by a general orientation toward human growth, the health sciences, the humanities, the fine arts and the social sciences. It will continue to maintain strong programs in the physical and biological sciences and engineering.

The University of Iowa will seek to maintain a balanced enrollment. It will do so in recognition of the joint responsibility it has with the other regent institutions, the private colleges, and the community colleges to provide a greater variety of educational opportunities to a larger and more diversified group of students.

Future programs will be determined by the continuing study of existing programs and of developing needs. Programs will be curtailed or eliminated when the assessment of need and resources indicates that resources could better be devoted to other programs. The university approaches the addition of new programs with considerable caution. Generally, new programs are fashioned out of existing programs in response to developing needs. But if the university is to remain vital, it must consider at the appropriate time the development of some new programs that fall within its general mission and that meet the new needs of students and society.

This rule is intended to implement Iowa Code section 263.1.

12.1(2) *Officers.* The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has such authority and duties as have been delegated by the board of regents.

The president has nominated and the board of regents has appointed five vice presidents. The vice president for academic affairs and dean of the faculties is the chief academic officer of the university and is responsible with the deans of the colleges for the educational programs of the university, the appointment, promotion and welfare of the faculty and related matters. The vice president for educational development and research and dean of the graduate college is responsible for the advancement of research, educational development, relations with government agencies, private foundations and the public generally, and is the person to whom the graduate departments, the computer center, and the university press report. The vice president for student services and dean of academic affairs is responsible for the advancement of teaching, student services, admissions, orientation, records, financial aids, evaluation, counseling, job placement, recreation, programming of extracurricular events, and program advising in residence halls. The vice president for administrative services is responsible for nonfaculty personnel, development and assignment of facilities including housing, the Museum of Art and Old Capitol. The vice president for business and finance is responsible for investments, financial transactions, financial records, purchasing, maintenance of facilities, laundry, parking, traffic, security, and related services. The state hygienic laboratory and university health services report to the office of the president.

A detailed listing of the university units is shown on the organizational chart contained in the university operations manual.

12.1(3) Operations. The academic mission of the university is principally carried out through its ten colleges: pharmacy, law, education, nursing, medicine, dentistry, liberal arts, engineering, business administration, and the graduate college. The dean of each college is its chief administrative officer.

The university hospitals and clinics provide tertiary level patient care, clinical education and clinical research. The state sanatorium at Oakdale provides care and treatment for tuberculosis, chronic and rehabilitation patients and related services. The state psychopathic hospital provides care and treatment for persons afflicted with abnormal mental conditions. The hospital school provides education and treatment for severely handicapped children. The chief administrative officer of the hospital school is the director. The student health service provides primary health care services to students.

The state hygienic laboratory conducts examinations and investigations and makes recommendations pertaining to methods of overcoming and preventing epidemics of disease.

12.1(4) Communications. Written and personal inquiry, submissions and requests should be addressed to the office of public information, 102 Jessup Hall, University of Iowa, Iowa City, Iowa 52242; or the office of the Board of Regents, Old Historical Building, Des Moines, Iowa 50319. Generally, inquiries, submissions, and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of forms, general description and the address where they may be obtained are found at 12.6(262).

12.1(5) University operations manual. The university operations manual contains the policies governing the internal administrative operation of the university. It is available for public inspection in the university library, the office of public information and in the office of the state board of regents.

681—12.2(262) Petition regarding rules. A petition for the promulgation, amendment, or repeal of a rule by the university may be submitted to the office of the vice president for administrative services by any person. Each such petition, which may be in the form of a letter, shall set forth the text of the rule or proposed rule in question and, if an amendment is proposed, the rule as it would read with the proposed amendment, together with a concise statement of the reasons supporting the granting of the petition. The university will notify the petitioner of its disposition of the petition within 60 days after receipt of the petition.

681—12.3(262) Petition for declaratory ruling. If there is a disagreement regarding the interpretation or applicability of a statutory provision, university or board of regents rule or other university or board statement of law or policy, decision or order, between a vice president or designee and a person whose rights or interests are affected by such statute, rule, decision or order, the person so affected may petition the university for a declaratory ruling. Each such petition shall describe the facts or circumstances giving rise to the request for a ruling, shall contain the text or a citation to the statute, rule, statement of law or policy, decision or order to which the petition relates, may include arguments supporting the petitioner's position, and shall specify the action requested. The university has discretion to determine that a declaratory ruling is inappropriate under the circumstances presented by the petition. The appropriate vice president will notify the petitioner in writing of its disposition of the petition within 60 days after the petition is received.

681—12.4(262) Rule adoption—opportunity for oral presentation. When a timely request for oral presentation regarding the proposed adoption of a rule is presented to the university pursuant to Iowa Code section 17A.4, the vice president for administrative services will set a time and place for such presentation, the time will be not less than 20 days after notice of such opportunity is published in the "Iowa Administrative Bulletin." The notice will state the time when, the person before whom, the subject matter of, and the location where such presentation may be made.

681—12.5(262) Contested cases.

12.5(1) *Informal settlement.* Parties are encouraged to request informal settlement of a controversy which could culminate in a contested case as defined in Iowa Code section 17A.2. The request should be made by letter setting forth a concise statement of the circumstances giving rise to the controversy, the text of or citation to any applicable law, rule or decision, and a statement of the settlement proposed. The appropriate vice president will advise the party of its disposition of the request within 30 days. If the appropriate vice president determines that a conference is appropriate, the party will be notified when, where and with whom such a conference is to be held. The terms of any informal settlement agreed to by the parties shall be embodied in a written stipulation.

12.5(2) *Administrative law judges.* Except as provided in 12.5(5) the hearing in a contested case for which an evidentiary hearing is required by Iowa Code section 17A.11 shall be conducted by an administrative law judge appointed by the board of regents.

12.5(3) *Procedure.* The procedures followed in hearings conducted pursuant to 12.5(2) shall be those set forth in Iowa Code sections 17A.12 to 17A.17, except that notice of the hearing may be provided by first-class mail.

12.5(4) *Subpoenas; administration of oath.* Subpoenas for the production of books, papers, records, and other real evidence may be issued pursuant to Iowa Code section 17A.13 by the appropriate vice president prior to the commencement of a contested case proceeding. After the commencement of such proceeding, the administrative law judge appointed pursuant to 12.5(2) or 12.5(5) has the authority to administer oaths and to issue subpoenas as provided in section 17A.13.

12.5(5) *Decision and appeal.* The administrative law judge shall render a proposed decision in a contested case in writing, which shall be delivered to all parties by first-class mail. The proposed decision shall become the final decision of the university 15 days after mailing of the proposed decision, unless prior to that time the university or any other party submits an appeal from, or the president requests a review of the proposed decision. Notice of an appeal from or the president's request for review of a proposed decision shall be mailed to all parties by the university.

Within 15 days after mailing of a notice of appeal or of a request for review, any party may submit to the president exceptions to and a brief in support of or opposition to the proposed decision, copies of which exceptions or brief shall be mailed by the submitting party to all other parties to the proceeding. The president shall notify the parties if the president deems oral arguments by the parties to be appropriate. The president shall render a decision in writing within 30 days of receipt of the exceptions and briefs or of the close of oral hearings, whichever is later. The decision of the president becomes final 15 days after mailing unless prior to that time a party appeals to the board of regents.

12.5(6) *Appeals to the board of regents.* Appeals from a decision in a contested case rendered by the president under 12.5(5) may be taken to the board of regents in the manner specified in 11.5(3).

12.5(7) *Alternate procedures.* Where a contested case as defined in Iowa Code section 17A.2 falls within one of the classes of cases listed below, the university consents to the use of the procedures specified below, including the hearing officers provided for in such proceedings, in lieu of the procedures prescribed in Iowa Code sections 17A.11 to 17A.17, provided that all other parties to such proceedings also waive the use of the procedures contained in sections 17A.11 to 17A.17:

a. In proceedings involving acts of misconduct arising under board of regent rules, 681—Chapter 9, involving students, faculty members or staff members, as defined therein, the procedures provided in section 20.270 of the university operations manual shall be used.

b. In cases involving ethics, unfitness, grievance, nonrenewal, denial of tenure, and failure to promote involving faculty members, the procedures provided in section 20.260, university operations manual, shall be used.

c. In cases involving claims by and against university employees, as defined by section 20.280, university operations manual, the procedures provided therein shall be used.

d. In cases involving student employee grievances, the procedures provided in section 20.300, university operations manual, shall be used.

e. In cases involving academic status or standing of a student, the procedures used shall be those prescribed for each college within the university which are available in the office of the dean of the respective college.

681—12.6(262) Forms. The university uses the forms listed below in dealing with the public. The various forms are classified by subject matter, followed by the name of the office where they are available in care of the University of Iowa, Iowa City, Iowa 52242.

Admission application forms—director of admissions; undergraduate, graduate, law, medicine, dental hygiene, special nondegree, physical therapy, dentistry, physicians assistant, student financial aid, Saturday and evening class—graduate and undergraduate, Quad-Cities graduate program, guided independent study through correspondence.

Housing forms—university housing office; application and contract for residence halls quarters for unmarried students, application for married student housing, leasehold for married student housing at Hawkeye Drive, Hawkeye Court, and Parklawn apartments.

Educational placement—educational placement office

Registration forms for credential service, reference forms for credential files.

Iowa memorial union—Iowa memorial union

Space use application.

Hancher auditorium space use—Hancher auditorium

Rental agreement.

Gymnastics—recreation department

Waiver of liability for public participants.

Dental care—college of dentistry

Patient registration form.

Hospital and health care—general hospital

Patient registration form.

Employment—personnel service

Application for employment.

Parking and traffic—transportation and security

Violation citation.

681—12.7(262) General rules.

12.7(1) Dogs and other mammals, birds, and reptiles are not permitted in any university building or structure, and if found are subject to impoundment. Leader dogs and experimental subjects are accepted.

12.7(2) University buildings, except hospitals, are closed to public access from 10 p.m. until 7 a.m., except when different hours are communicated by signs at one or more points of access.

12.7(3) Salespersons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the university property, except with the permission of the vice president for business and finance in the case of employees, or the vice president for student services in the case of students.

Permission is given by the vice president for finance and university services for the solicitation of employees by charitable organizations under all of the following circumstances:

a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.

b. The solicitation is conducted through the university's campus mail system.

c. The solicitation by any one such charitable organization may occur once in any calendar year.

d. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the university campus mail system or other university facilities.

e. No solicitation using the university's facilities may occur except through campus mail as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the university deems reasonable.

f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.

12.7(4) Photographs, film, or videotapes for publication for commercial purposes may only be made of university programs, events, or activities in university buildings upon the invitation of or approval of the immediate supervisor of the program, event, or activity. If a decision to grant or deny invitation or approval is challenged, an appeal may be made to the vice president within whose responsibility the program, event, or activity is assigned.

12.7(5) Lost and found items are reported to and deposited promptly with university security. After 30 days unclaimed items are disposed of as surplus property or given to charitable organizations dealing with used materials.

12.7(6) The use of cameras, tape recorders, and noisemakers is prohibited during performances in the various theatres, auditoria, ballrooms, and lounges. Such items may be impounded by university personnel and returned at the conclusion of the performance. Permission may be granted for an exception by the president of the university or the president's designee, to be announced publicly in advance.

12.7(7) Hancher auditorium aisle doors will be closed when performances begin. Latecomers will be taken to an observation room and seated at intermission. Standing in aisles during performances is not permitted, except by employees.

12.7(8) Smoking of all types is prohibited in the following locations and circumstances:

a. In all rooms in which organized academic activity is occurring. This includes specifically, but is not limited to, classrooms, seminar rooms, auditoria, teaching laboratories, and gymnasias.

b. In all rooms, areas, and buildings posted with "no smoking" signs. The administrative (e.g., collegiate, departmental) unit primarily responsible for a room not covered by paragraph "a" above shall decide whether or not "no smoking" signs shall be posted. In rooms where smoking is not expressly prohibited, smoking will be permissible as long as no one present raises an objection.

12.7(9) Food and beverages shall be consumed in academic buildings only in areas designated by the responsible administrative (e.g., collegiate, departmental) unit.

12.7(10) Tickets for concerts scheduled primarily for the entertainment of university students, held in the field house are not to be made available to minors who are not university students; however, minors may attend field house concerts if accompanied by their parents or parent. Commencing with the academic year 1980-81, the prohibition against sales of tickets to minors and the attendance of minors at field house concerts unless accompanied by parent(s) is suspended on a concert-by-concert basis and the university administration is authorized to reinstate the rules after any concert if conditions warrant such action.

12.7(11) Use of the Iowa memorial union and university recreation facilities by minors who are not university students is not permitted, except in the following situations:

a. When participating in university-sponsored activities or when guests or invitees of the university;

b. While on campus tours or at preregistration events;

c. When accompanied by teachers, parents, or other responsible adults;

d. When displaying a university name badge for a conference or event in progress.

12.7(12) No alcoholic beverages or metal or glass containers are allowed in the field house, football stadium, or recreation building. Checking service is provided. A search sufficient to ensure that articles are not taken into the field house, recreation building or football stadium will be made. Refusing search or refusing to check the items are grounds to deny admission.

12.7(13) The following articles may not be taken into the field house or football stadium during contests or concerts for which admission tickets are required: placards, noisemakers, bugles, banners, horns, seat backs, coolers, disruptive devices.

12.7(14) Spectators who are not contestants are not permitted on the football field, basketball court, or other areas where athletic contests are taking place or to take place. Spectators may not block aisles and passageways which provide ingress and egress to seating at athletic contests.

12.7(15) The following fees or deposits apply to the members of the public prior to admission to the university as students:

a. A \$10 fee is required to accompany an application submitted by a prospective student. This fee is not required from a student previously enrolled for full-time study at the university during a regular academic year, or an applicant to the graduate college or the colleges of dentistry, law or medicine who has earned a degree from the university.

b. A \$50 deposit is required to accompany applications for contracts for residence hall accommodations. The deposit is credited to the first required payment for the accommodations.

c. A \$25 deposit is required to be paid at the time a married student apartment is assigned to the prospective student. The deposit is credited to the first required payment for the apartment.

12.7(16) *University sponsored productions.*

a. The selection of an artistic presentation to be produced or sponsored by the university through its colleges, departments, programs, or university committees, and to be presented to the public in a university auditorium or theatre should be made solely on the basis of its serious artistic merit as well as its educational value. Primary responsibility for ensuring the serious artistic merit and educational value of any such artistic presentation rests with the head of the producing or sponsoring unit.

b. The head of the producing or sponsoring unit will be responsible for:

(1) Providing adequate and reasonable advance notice to patrons of the nature of the artistic presentation, or portions thereof, which the head judges may be offensive to a substantial number of the prospective audience, using contemporary community norms as the criterion;

(2) Providing adequate and reasonable advance notice to patrons of the nature of the artistic presentation, or portions thereof, which the head judges to be legally obscene for minors, although not for adults, under the standards set forth in Iowa Code section 725.1, subsection 1; and

(3) Initiating and supervising procedures to exclude minors from any presentation described in subparagraph (2) unless such minors furnish parental or a guardian's permission to attend.

12.7(17) *Nonuniversity sponsored productions.* Any person, group or organization which is not defined in subrule 12.7(16) "a," as a condition of leasing or otherwise using a university auditorium or theatre, must agree to do so in a manner consistent with the laws of the state, including, specifically, Iowa Code chapter 725.

12.7(18) The memorial union is operated as a center for activities directed towards the entire university community. Members of the community are granted use of the facility, including the Iowa House, subject to scheduling restrictions and rules regarding such use. The university community includes:

a. Students, faculty, and staff of the university.

b. Participants in events sponsored by recognized student organizations, university departments, and conferences and institutes.

c. Others who have business related to university functions.

d. Visitors to the university.

681—12.8(262) Contracting authority. The state board of regents has delegated to the president authority to make contracts and agreements as specified in Iowa administrative rules, board of regents, 681—Chapter 8. The president has delegated authority for signing such agreements and contracts to the vice president for business and finance and the business manager in all cases except the following:

- a. Employment matters involving deans, directors, departmental executive officers, and faculty are reserved to the office of the president.
- b. Applications for grants for educational development and research from all sources are signed by the vice president for educational development and research.
- c. Supplies, equipment, and services to be ordered from sources outside the university in compliance with Iowa departmental rules, board of regents, 681—Chapter 8 are purchased only by means of purchase orders or purchase contracts approved and signed by the purchase agent, and based on requisitions submitted to the purchasing agent.

681—12.9(262) Merit system employee grievances. For purposes of grievance procedure only, “employee” means a merit system employee who has completed the six-month probationary period and is presently employed, or has been dismissed within the previous one-year period.

Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of the merit system rules, or other than disputes whose resolution is provided for in the Iowa Administrative Code 681—3.127(19A) and 681—3.128(19A), will be resolved in accordance with this procedure, which has been approved by the merit system director in accordance with 681—3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal orally at Step 1 and in writing at Steps 2 and 3. The university may permit an oral presentation at Steps 2 and 3 if deemed necessary.

681—12.10(262) Grievance procedure.

12.10(1) An employee who has a grievance and wishes to use the grievance procedure must initiate Step 1 within 21 calendar days from the date of the discovery of the grievance. No grievance may be filed later than one year from the occurrence of the event which gave rise to the grievance.

12.10(2) An aggrieved employee has the right to be accompanied by no more than two representatives throughout the grievance procedure. The names of such representatives will be noted on written grievances and each subsequent request for review.

12.10(3) An aggrieved employee is allowed reasonable time off from regular university duties without loss of pay to investigate and process a grievance. The immediate supervisor of the employee makes suitable arrangements.

12.10(4) The aggrieved employee may also request released time from work without loss of pay for such representative or representatives to investigate a grievance at any time following the oral presentation in Step 1 of the grievance procedure, except that the aggrieved employee and representative are allowed up to one hour off from regular university duties without loss of pay to confer before any grievance hearing held under these procedures.

Any request for time off for a grievant’s representative is made in writing to the representative’s supervisor, with an informational copy to the director of personnel, and should contain an indication of the reason released time is necessary. The representative’s supervisor shall provide a reasonable bona fide amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee’s department.

Furthermore, it is a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant’s representative in accordance with this procedure. On the other hand, an employee acting as a grievant’s representative shall not use time provided for grievance investigation for other matters and will conduct the investigation with dispatch.

12.10(5) The grievance procedure consists of the following four steps:

Step 1. An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, stating the pertinent circumstances of the complaint or dispute and the actions requested, to the employee’s immediate supervisor. The supervisor responds in writing to the griev-

ance within seven calendar days. In such writing, the supervisor states the supervisor's understanding of the grievance, the response to the grievance, and justification for the response. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 2.

Step 2. If the employee requests Step 2, a written grievance is forwarded by the aggrieved employee to the administrative head of the unit or department within seven calendar days. The administrative head of the unit or department or designee has ten calendar days to reply in writing. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 3.

Step 3. If the employee decides to request Step 3, the written grievance is forwarded by the aggrieved employee to the head of major functional or administrative unit of the university with a copy sent to the director of personnel. A meeting shall be held within ten calendar days after the grievance has been submitted to the head of a major functional or administrative unit. The university may be represented by the director of personnel, or designee, the head of a major functional or administrative unit or designee, and the administrative personnel involved in Steps 1 and 2. The aggrieved employee has the right to be accompanied by representatives. The head of the administrative unit should respond in writing within seven calendar days. If a satisfactory settlement is not reached, the employee has seven calendar days to proceed to Step 4.

Step 4. If the employee is not satisfied with the decision rendered under Step 3, a hearing before an arbitrator may be requested within seven calendar days after receiving the Step 3 decision. Such a request will be in writing and include all of the information included in the initial grievance and subsequent appeals, all of the decision related thereto, and any other pertinent information the employees wishes to submit.

The appeal will be signed and dated by the employee and will be directed to the Merit System Director, State Board of Regents, Old Historical Building, Des Moines, Iowa 50319, who will arrange for a hearing before an arbitrator. The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule which has allegedly been violated and will state the corrective action desired by the employee.

Presentations, reviews, investigations and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision becomes final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

681—12.11(262) Appeals. The board of regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator establishes procedures for the conduct of the hearing in a fair and informal manner that affords each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.

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